

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 591

Introduced by Senator Scott

February 20, 2003

An act to ~~amend Section 366 of~~ *add Section 16010.5* to the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

SB 591, as amended, Scott. Dependent children: ~~status-review hearings~~ *caregiver information*.

Under existing law, when a child is placed in foster care, the case plan for the child is required to include a specified health and education summary. Under existing law, a child protective agency is required to provide the child's caregiver with the health and education summary, not later than 30 days after the initial placement, or within 48 hours after a subsequent placement.

This bill would further provide that when a child is placed in foster care or kinship care that the child protective agency provide additional personal information relating to the child and the child's case to the child's caregiver, within 30 days after initial placement, or within 48 hours after a subsequent placement. The bill would require the child protective agency to provide the child's caregiver with related forms, information, and referrals. The bill would also require the child protective agency to ask the caregiver at the time of placement if the caregiver is interested in adoption or legal guardianship, in the event that the child is not reunited with his or her parent or guardian, and to include any statement of the caregiver's interest in a specified report to the court.

By increasing the duties of child protective agencies, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires the juvenile court to conduct periodic status review hearings for dependent children. Existing law requires the court to make a determination of specified facts concerning the child, including whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. Existing law requires that the limitation be specifically addressed in the court order and prohibits that limitation from exceeding those limitations that are necessary to protect the child.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 366 of the Welfare and Institutions~~
- 2 SECTION 1. Section 16010.5 is added to the Welfare and
- 3 Institutions Code, to read:
- 4 16010.5. (a) At the time of initial placement of a child into
- 5 foster care or kinship care, or no later than 30 days after
- 6 placement, and within 48 hours of any subsequent placement, the
- 7 child protective agency shall provide the following information to
- 8 the child's caregiver:
- 9 (1) The name, mailing address, telephone, and facsimile
- 10 number of the child's social worker and the social worker's
- 11 supervisor.

1 (2) *The name, mailing address, telephone, and facsimile*
2 *number of the child's attorney and court appointed special*
3 *advocate, if any.*

4 (3) *The name, address, and department number of the juvenile*
5 *court in which the child's juvenile court case is pending.*

6 (4) *The case number assigned to the child's juvenile court case.*

7 (5) *A copy of the child's birth certificate, passport, or other*
8 *documentation of age and citizenship status as may be required for*
9 *enrollment in school.*

10 (6) *The child's State Department of Social Services*
11 *identification number.*

12 (7) *The child's social security number, if known.*

13 (8) *The child's Medi-Cal identification number or group health*
14 *insurance plan number.*

15 (9) *Prescriptions for medications or treatments in effect for the*
16 *child at the time of placement.*

17 (10) *A copy or summary of any court order in effect at the time*
18 *of placement ordering or prohibiting visitation or contact with the*
19 *child by birth parents or any other adult, and siblings.*

20 (11) *A sample of a form for the caregiver's use in*
21 *communicating with the social worker in writing, by means of*
22 *facsimile transmission or other electronic transmission, or by*
23 *mail, in the event of an emergency, or when, in the caregiver's*
24 *opinion, circumstances exist requiring the immediate attention of*
25 *a social worker. The form shall be titled "Caregiver Urgent*
26 *Communication Form." A social worker shall timely receive and*
27 *review forms transmitted to him or her by facsimile, postal mail,*
28 *hand-delivery or any other means.*

29 (b) *At the commencement of every placement, the child*
30 *protective agency worker shall advise the child's caregiver or*
31 *foster parent of all of the following:*

32 (1) *The right of caregivers to receive notice of all review*
33 *hearings concerning the child during the placement, and the right*
34 *of caregivers to attend those hearings or submit information they*
35 *deem relevant to the court in writing.*

36 (2) *The existence of the "Caregiver Information Form"*
37 *(Judicial Council Form JV-290) by which the caregiver may*
38 *communicate information to the court. The child protective agency*
39 *shall provide at least one blank Caregiver Information Form and*

1 *instructions on its use, including specific instructions as to where,*
2 *how, and when to submit it to the appropriate court.*

3 *(3) Information and referrals for any services, including*
4 *transportation, translation, training, forms, and other assistance*
5 *that may be available to help the caregiver and the child attend and*
6 *participate in court proceedings and to communicate concerns to*
7 *the child's attorney and the court.*

8 *(4) The caregiver's obligation to cooperate with any*
9 *reunification or concurrent or permanent planning for the child*
10 *which may occur in the course of the placement.*

11 *(5) The existence of any siblings or half-siblings of the child,*
12 *whether the child has been having, or expects or desires to have,*
13 *contact or visitation with them, and how and when caregivers shall*
14 *facilitate the contact or visitation.*

15 *(c) At the time of initial placement and at the time of subsequent*
16 *placements, the child protective agency shall ask the caregiver if*
17 *he or she is interested in adoption or legal guardianship in the*
18 *event the child is not reunified with the parent or guardian from*
19 *whom the child was detained. If the caregiver expresses interest in*
20 *any of these options, the child protective agency shall include a*
21 *statement of the caregiver's interest in adoption or legal*
22 *guardianship in the next social service agency report to the court.*

23 *SEC. 2. Notwithstanding Section 17610 of the Government*
24 *Code, if the Commission on State Mandates determines that this*
25 *act contains costs mandated by the state, reimbursement to local*
26 *agencies and school districts for those costs shall be made*
27 *pursuant to Part 7 (commencing with Section 17500) of Division*
28 *4 of Title 2 of the Government Code. If the statewide cost of the*
29 *claim for reimbursement does not exceed one million dollars*
30 *(\$1,000,000), reimbursement shall be made from the State*
31 *Mandates Claims Fund.*

32 *Code is amended to read:*

33 ~~366. (a) (1) The status of every dependent child in foster~~
34 ~~care shall be reviewed periodically as determined by the court but~~
35 ~~no less frequently than once every six months, as calculated from~~
36 ~~the date of the original dispositional hearing, until the hearing~~
37 ~~described in Section 366.26 is completed. The court shall consider~~
38 ~~the safety of the child and shall determine all of the following:~~

39 ~~(A) The continuing necessity for and appropriateness of the~~
40 ~~placement.~~

1 ~~(B) The extent of the agency's compliance with the case plan~~
2 ~~in making reasonable efforts to return the child to a safe home and~~
3 ~~to complete any steps necessary to finalize the permanent~~
4 ~~placement of the child.~~

5 ~~(C) Whether there should be any limitation on the right of the~~
6 ~~parent or guardian to make educational decisions for the child.~~
7 ~~That limitation shall be specifically addressed in the court order~~
8 ~~and may not exceed those limitations that are necessary to protect~~
9 ~~the child. Whenever the court specifically limits the right of the~~
10 ~~parent or guardian to make educational decisions for the child, the~~
11 ~~court shall at the same time appoint a responsible adult to make~~
12 ~~educational decisions for the child pursuant to Section 361.~~

13 ~~(D) (i) Whether the child has other siblings under the court's~~
14 ~~jurisdiction, and, if any siblings exist, all of the following:~~

15 ~~(I) The nature of the relationship between the child and his or~~
16 ~~her siblings.~~

17 ~~(II) The appropriateness of developing or maintaining the~~
18 ~~sibling relationships pursuant to Section 16002.~~

19 ~~(III) If the siblings are not placed together in the same home,~~
20 ~~why the siblings are not placed together and what efforts are being~~
21 ~~made to place the siblings together, or why those efforts are not~~
22 ~~appropriate.~~

23 ~~(IV) If the siblings are not placed together, the frequency and~~
24 ~~nature of the visits between siblings.~~

25 ~~(V) The impact of the sibling relationships on the child's~~
26 ~~placement and planning for legal permanency.~~

27 ~~(VI) The continuing need to suspend sibling interaction, if~~
28 ~~applicable, pursuant to subdivision (c) of Section 16002.~~

29 ~~(ii) The factors the court may consider in making a~~
30 ~~determination regarding the nature of the child's sibling~~
31 ~~relationships may include, but are not limited to, whether the~~
32 ~~siblings were raised together in the same home, whether the~~
33 ~~siblings have shared significant common experiences or have~~
34 ~~existing close and strong bonds, whether either sibling expresses~~
35 ~~a desire to visit or live with his or her sibling, as applicable, and~~
36 ~~whether ongoing contact is in the child's best emotional interests.~~

37 ~~(E) The extent of progress which has been made toward~~
38 ~~alleviating or mitigating the causes necessitating placement in~~
39 ~~foster care.~~

~~(2) The court shall project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption, legal guardianship, or in another planned permanent living arrangement.~~

~~(b) Subsequent to the hearing, periodic reviews of each child in foster care shall be conducted pursuant to the requirements of Sections 366.3 and 16503.~~

~~(c) If the child has been placed out of state, each review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall also address whether the out-of-state placement continues to be the most appropriate placement selection and in the best interests of the child.~~

~~(d) A child may not be placed in an out-of-state group home, or remain in an out-of-state group home, unless the group home is in compliance with Section 7911.1 of the Family Code.~~

